

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed April 4, 200 (Paper No. 03292006). Upon entry of this response, claims 41, 43, 45, 47-48, 50, 52, 54-55, 57, 59, and 61-63 are pending in the application. In this response, claims 41, 45, 48, 52, 55, and 59 have been amended, and claims 61-63 have been added. Applicants respectfully request that the amendments being filed herewith be entered and that there be reconsideration of all pending claims.

1. Rejection of Claims 45, 52, and 59 under 35 U.S.C. § 112, First Paragraph

Claims 45, 52, and 59 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Office alleges that “Re claims 45, 52, and 59, it recites, ‘. . . the first timestamp recording the time at which the first RTCP sender report was received in the media router.’ The original specification fails to describe the above claim limitation.” (Office Action page 2). Applicants respectfully disagree, and traverse this rejection. However, claims 45, 52, and 59 are amended for the purpose of clarification.

2. Rejection of Claims 41, 43, 45, 48, 50, 52, 55, 57 and 59 under 35 U.S.C. §102

Claims 41, 43, 45, 48, 50, 52, 55, 57 and 59 have been rejected under §102(e) as allegedly anticipated by *Grabelsky et al.* (U.S. 6,678,250). Applicants respectfully traverse this rejection. A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

a. Claims 41, 48, and 55

Claims 41, 48, and 55 have been amended to recite “determining, in the media router, a round-trip delay between the first endpoint and the second endpoint based on a plurality of interception times, each interception time corresponding to the time of intercepting one of the RTCP reports.”

Applicants respectfully submit that *Grabelsky et al.* fails to teach, disclose or suggest at least these features. *Grabelsky et al.* generally discloses “the monitoring and analysis of communication networks” (col. 1, lines 8-9) and more specifically “provide[s] a characterization of the network conditions between that *source-destination gateway pair*, such as gateway pair 20, 23” (col. 6, lines 33-34) (Emphasis Added). Therefore, *Grabelsky et al.* discloses a conventional RTCP arrangement, where gateway 20 and gateway 23 each act as an endpoint for RTCP reports flowing between peers: gateway 20 generates a sender report and transmits it to gateway 23; gateway 23 generates its own sender report and transmits it to gateway 20. The gateway receiver of a report in *Grabelsky et al.* acts on the information contained in the report.

The gateway in *Grabelsky et al.* therefore acts as a sink or endpoint for each received report and *computes the round trip delay* in either the *source gateway* or the *destination gateway* accordingly. In this regard, *Grabelsky et al.* specifically explain,

It should be noted, however, that there are certain network performance quantities that can *only be computed by the gateway* to which the reception block applies. For example, when gateway 23 receives a reception block from gateway 20, the reception report 42 also contains specific information *that only gateway 23 can use*. One particular example is the *round trip delay parameter*. In this case, gateway 23 puts a timestamp on its SRs. Gateway 20 maintains the delta time between its reception of the SR transmitted from gateway 23 and gateway 20’s transmission of its next reception report back to gateway 23. Both the time stamp and delta times are included in gateway 20’s reception report block transmitted in the RTCP message to gateway 23. *In order to determine the round trip delay*, gateway 23 receives the reception

report block 42 from gateway 20, and **gateway 23 subtracts** these included times from its own reception time of the SR or RR in order to determine the round trip delay.

(col. 8, lines 7-23) (Emphasis Added).

It is clear that the round trip delay computation as taught in *Grabelsky et al.*, not only is performed **in the source/destination gateway**. *Grabelsky et al.* further teaches that this method of computation can **only** be performed in the source/destination gateway, e.g., gateway 23.

In contrast, claims 41, 48, and 55 recite the RTCP “report transiting **through** the media router” and “determining, **in the media router**, a round-trip delay between the first endpoint and the second endpoint . . .” The media router is therefore neither the source nor the destination (the first/second endpoint) of the RTCP report for the purpose of the latency determination. Moreover, the round-trip delay recited in the claims of the present application is determined in the media router, which is neither the first endpoint nor the second endpoint.

For at least the reason that *Grabelsky et al.* fails to disclose, teach or suggest the above-described features, Applicants respectfully submit that *Grabelsky et al.* does not anticipate claims 41, 48, and 55. Therefore, Applicants request that the rejection of claims 41, 48, and 55 be withdrawn.

b. Claims 43, 45, 50, 52, 57, and 59

Since claims 41, 48, and 55 are allowable, Applicants respectfully submit that claims 43, 45, 50, 52, 57, and 59 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 43, 45, 50, 52, 57, and 59 be withdrawn.

3. Rejection of Claims 47, 54, and 61 under 35 U.S.C. §103

Claims 47, 54, and 61 have been rejected under §103(a) as allegedly obvious over *Grabelsky et al.* (6,678,250). Applicants respectfully traverse this rejection. Since claims 41, 48, and 55 are allowable, Applicants respectfully submits that claims 47, 54, and 61 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 47, 54, and 61 be withdrawn.

4. Newly Added Claims


Applicants submit that new claims 61-63 are allowable over the cited references. Claims 61-63 are dependent claims, and are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants request that the Examiner enter and allow the above new claims..

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 41, 43, 45, 47-48, 50, 52, 54-55, 57, 59, and 61-63 be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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